

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:04-CR-268

v.

HON. ROBERT HOLMES BELL

MICHAEL ANTHONY MAHAN,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #138). Based on a review of Defendant's motion, the Sentence Modification Report, submission by defense counsel, and the original criminal file, the Court has determined that the motion should be denied as follows:

Defendant was sentenced on Count 4, 15, 17, and 18 of an Indictment charging Distribution of an Unspecified Quantity of Cocaine Base; Possession With Intent to Distribute More Than 50 Grams of Cocaine Base; and Possession With Intent to Distribute More Than 500 Grams of Cocaine. Defendant was sentenced as a career offender within the meaning of U.S.S.G. § 4B1.1(a). As such, defendant is ineligible for a reduction in sentence. Accordingly,

Defendant's Motion for Modification or Reduction of Sentence (docket #138) is **DENIED.**

Date: April 1, 2011

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE